

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DONALD J. RICHARD
Plaintiff

v.

INDUSTRIAL COMMERCIAL
ELECTRICAL CORPORATION
Defendant

CIVIL ACTION NO.
04-40066-NMG

FILED
2004 AUG -9 P 1:11
U.S. DISTRICT COURT
DISTRICT OF MASS.

**AFFIDAVIT OF ROBERT WEIHRAUCH IN SUPPORT OF COURT ORDERED
AWARD OF ATTORNEY'S FEES AND COSTS**

The Court pursuant to 29 U.S.C. § 1132(g) ordered the Defendant Industrial Commercial Electrical Corporation to pay the Plaintiff's reasonable attorney's fees and cost in the above entitled matter. In support of the Court's Order I, Robert Weihrauch, hereby depose and say:

My name is Robert Weihrauch. I am a member of the Massachusetts Bar in good standing. My office is located at 446 Main Street 20th floor, Worcester, Massachusetts. I have been the attorney for the Plaintiff, Donald J. Richard in the above captioned matter since April 22, 2004, and have expended 76.25 hours at an hourly rate of \$250.00 per hour including travel time, and have incurred costs in the amount of \$150.00 representing the initial filing fee, and \$22.00 for excerpts of day two of the bench trial. It is not my professional practice to bill for telephone calls or telephone discussions.

I have set out below a detailed statement of the hours expended in this case:

1) April 22, 2004 - Initial conference with Donald J. Richard Re: ICE
termination of his employment and refusal to offer COBRA benefits; 2 hours

- 2) April 26 2004 – Legal research Re: Cobra Rights – “Gross misconduct”
Review notes of conference with Mr. Richard; Conference with Mr. Richard to explain
COBRA rights; 7 hours
- 3) April 27, 2004 – Preparation of Verified Complaint ; Review law with respect
to obtaining a Temporary Restraining Order; 4 hours
- 4) April 28, 2004 – Complete Verified Complaint; 2 hours
- 5) April 30, 2004 – Conference with Mr. Richard; review Verified Complaint
and explain procedure; 1 ½
hours
- 6) May 3, 2004 – Filing Verified Complaint and obtaining date from Clerk of
hearing date on Request for Immediate Injunctive Relief; notification of ICE of
Complaint and hearing date and time; 1 hour
- 7) May 4, 2004 – Preparation of Memorandum in Support of Request for
Immediate Injunctive Relief; 3 ½
hours
- 8) May 5, 2004 – Preparation for Hearing on Request for Immediate Injunctive
Relief and attendance at hearing; 1 ½
hours
- 9) May 6, 2004 – Preparation of Proposed Temporary Restraining Order; ½ hour

10) May 11, 2004 – Conference with Mr. Richard; explain what has occurred and what the next scheduled hearing was about; 1 hour

11) May 17, 2004 – Review Defendant's Answer and Counter Claim; Preparation of Affidavit of Mr. Richard; Legal research Re: Preliminary Injunction and Preparation of Memorandum in Support of Preliminary Injunction and Proposed Order; 6 hours

12) May 24, 2004 – Preparation for Hearing on Preliminary Injunction; 2 hours

13) May 26, 2004 – Preparation of Answer to Counterclaim; ¾ hour

14) June 3, 2004 - Conference with Donald Richard as to current status of case; 1 ½ hours

15) June 19, 2004 – Conference Donald Richard Re: Preparation for his deposition; 2 hours

16) June 21, 2004 – Attendance at Donald Richard's deposition taken by Defendant and attendance at deposition of David LeBlanc taken by the Defendant for this case; 8 ½ hours

which includes travel time of 2 ½ hours (Worcester to Dedham and back);

17) July 1, 2004 – Conference Donald Richard as to current status of case; 1 hour

18) July 6, 7, 2004 – Preparation of Proposed Findings of Facts and Conclusion of Law; Witness List and Exhibit List; 6 hours

19) July 14, 2004 – Preparation for Trial; 2 ½ hours

20) July 19 ,2004 - Review Defendant's Proposed Findings of Fact and
Conclusions of Law; Witness List and Objections to certain Plaintiff Exhibits; 1 hour

21) July 30, 2004 – Conference with Mr. Richard; Preparation of Trial; 3 ½
hours

22) August 2, 2004 – Trial; 10 ½ hours
which includes 3 ½ hours travel time

22) August 3, 2004 – Trial; 6 hours which
includes 3 hours travel time

23) August 6, 2004 – Preparation of Findings of Fact and Conclusions of Law.
1 hours

Total hours 76.25

Fee \$19,062.00

Cost:

Filing fee \$150.00


Excerpts of \$22.00
transcript

Total Cost \$172.00

Total Amount Due \$19,234.00

I, Robert Weihrauch have read the foregoing and the statements therein are true.

Subscribed and sworn to under the pains and penalties of perjury this 6th day
of August, 2004.


Robert Weihrauch

I HEREBY CERTIFY THAT A TRUE COPY OF
THE ABOVE DOCUMENT WAS SERVED
UPON THE ATTORNEY OF RECORD FOR
EACH (OTHER) PARTY BY MAIL ON 8/12/04
SIGNATURE 